

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

ROGER DEAN GILLISPIE,)	
)	
Plaintiff,)	
)	No. 3:13-cv-416
v.)	
)	
MIAMI TOWNSHIP, ET AL.,)	
)	
Defendants.)	
)	JURY TRIAL DEMANDED

STIPULATION OF DISMISSAL AS TO ONLY
DEFENDANTS JOHN DIPIETRO, STEPHEN GRAY, AND THOMAS ANGEL

Now Come Plaintiff and Defendants John DiPietro, Stephen Gray, and Thomas Angel, by and through their respective attorneys, and provide this Court with Notice of Dismissal, by Stipulation, of Plaintiff Roger Dean Gillespie's Complaint against Defendants John DiPietro, Stephen Gray, and Thomas Angel, stating:

1. Defendant Stephen Gray was sued in his individual capacity as an employee of Miami Township, as a member of the Miami Township Police Department and, at all times relevant, was acting within the scope of his employment with the Township as it relates to his actions. Stephen Gray further stipulates that in releasing clothing back to C.W. and B.W., as described in the Complaint and his deposition, he was acting at the express discretion of his supervisor and did not exercise any independent discretion in so doing.

2. Defendant Thomas Angel was sued in his individual capacity in this suit related to his actions taken within the scope of his employment as the former Chief of Police of Miami Township. Mr. Angel was not named in his official capacity, which would actually be a claim against Defendant Miami Township itself. Dismissal of former Chief Angel in no way impacts any claims against the Township in any way; either directly, or for actions taken by former Chief Angel in his official capacity as Chief of Police.
3. Pursuant to Federal Rule of Civil Procedure 41(a), and by stipulation of the parties, Plaintiff voluntarily dismisses Defendants John DiPietro, Stephen Gray, and Thomas Angel, in from this action. The Parties agree this dismissal includes any and all claims against the estate of Thomas Angel. In the event this lawsuit is re-filed against these Defendants, the above stipulations shall be deemed void.

RESPECTFULLY SUBMITTED,

/s/David B. Owens

Mike Kanovitz
David B. Owens
Omavi Shukur
LOEVY & LOEVY
312 North May St., Suite 100
Chicago, IL 60607
(312) 243-5900

/s/ Jonathan T. Deters

Lawrence E. Barbieri (0027106)

Scott A. Sollmann (008167)

Jonathan T. Deters (0093976)

SCHROEDER, MAUNDRELL, BARBIERE & POWERS

5300 Socialville Foster Road, Suite 200

Mason, OH 45040

(513) 583-4200

(513) 583-4203 (fax)

Email: lbarbieri@smbplaw.com

Email: ssollmann@smbplaw.com

Email: jdeters@smbplaw.com

Attorneys for Defendants Stephen Gray, John DiPietro, and Thomas Angel

CERTIFICATE OF SERVICE

I, David B. Owens, an attorney, certify that I caused the foregoing Notice of, via the Court's electronic filing system, on all counsel of record on April 4, 2019.

/s/ David B. Owens